

Hazardous Waste Management System: General
Standards Applicable to Owners and Operators of
Hazardous Waste Treatment, Storage, and Disposal
Facilities; and Hazardous Waste Permit Program

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HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL;
STANDARDS APPLICABLE TO OWNERS AND OPERATORS
OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL
FACILITIES; AND HAZARDOUS WASTE PERMIT PROGRAM
(40 CFR 260, 264, and 122)

Permitting of Land Disposal Facilities: Waste Piles

This document (ms. 1941.35) provides background
information on EPA's proposed regulations for
land disposal of hazardous waste

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INTRODUCTION

General requirements for waste piles were promulgated at 46 FR 2870 on 12 January 1980, and amendments to §264.254 Inspection and testing, were proposed at 46 FR 2896 on the same date. A background document "General Comments on Storage, Subpart I - Standards for the use of Management of Containers, Subpart L - Standards for Waste Piles" dated 30 December 1980 was prepared to support that regulation.

At the time of that promulgation, amendment of the regulation was anticipated in conjunction with the promulgation of the generic regulations for land disposal facilities (See the Comment to §264.250 - Applicability. This proposed regulation implements that anticipated amendment to provide requirements applicable to waste piles which are not used solely for storage or storage and treatment; i.e., waste piles from which discharge into the land may occur and be found acceptable based on the analysis requirements of the generic land disposal facility regulations. This includes all piles which are closed with waste left in place.

The interim status regulations for waste piles provide that waste piles which are to be closed with waste left in place are subject to Subpart N - Landfills. Some of the requirements of the general regulations for landfills being proposed may not be appropriate to waste pile management, and therefore the alternative of closing a waste pile with waste left in place is provided in the waste pile general requirements which are proposed. Ultimately, the primary difference is one of language in that under the general regulations, a waste pile which is closed with waste or waste

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residues left in place is still a waste pile rather than being called a landfill. The appropriateness of this change, as a matter of language, is obvious especially when the waste itself is to be removed, but the supporting structure (base) or other control systems (e.g. a leachate detection, collection, and removal systems, dike, or berm) in contact with the waste during the active life of the facility will not be removed.

I. NEED FOR REGULATION

The need for regulation of waste piles had been covered in the Background Document "General Comments on Storage, Subpart I- Standards for the use of Management of Containers, Subpart L - Standards for Waste Piles" dated 30 December 1980.

II. ANALYSIS OF STANDARDS

1. Applicability - §§264.250

A. Proposed Regulations and Rationale

See the 30 December 1980 Background Document.

B. Summary of Comments

See the 30 December 1980 Background Document.

C. Discussion

The comment to this section of the regulation provided notice that the regulatory amendment being proposed in this regulation was anticipated. The regulation merely provides that this comment be deleted since the anticipated action will be taken when these regulations are finalized.

D. Regulatory Language

Section 264.250 is amended by removing the Comment.

2. General Design Requirements - §264.251

A. Proposed Regulation and Rationale

See the 30 December 1980 Background Document

B. Summary of Comments

See the 30 December 1980 Background Document

C. Discussion

The proposed amendment, in effect, separates paragraph (b) of the existing regulation into two parts. New paragraph (b) adds the work direct to the language which prevented discharge to surface waters to clarify that overland discharge to surface waters will not be permitted, but that leachate discharge to surface waters may be found acceptable and permitted if not adverse effects will be caused. New paragraph (c) explicitly retains all the requirements of the 12 January 1980 regulation for those waste piles which are used solely for storage or storage and treatment. The statement that waste piles used solely for storage or storage and treatment are exempt from the requirements of Subpart F is added since the implicit effect of the amendment read in conjunction with the generic land disposal facility regulations (See §264.19 - Land disposal facilities) is that waste piles are land disposal facilities subject to all of the requirements being proposed. All land disposal facilities are subject to the requirements of Subpart F - Ground-water and air emission monitoring.

D. Regulatory Language

In §264.251, paragraph (b) is revised, and a new paragraph (c) is added to read as follows:

§264.251 General design requirements.

* * * * *

(b) A waste pile must be designed to prevent direct discharge to surface water during the life of the pile.

(c) A waste pile that is designed to be used solely for storage or storage and treatment and to prevent discharge into the land and ground water, and to surface water during the life of the pile;

(1) Must have a containment system which complies with §264.253; and

(2) Is exempt from the requirements of Subpart F.

3. General Operating Requirements - §§264.252

A. Proposed Regulation and Rationale

See the 30 December 1980 Background Document.

B. Summary of Comments

See the 30 December 1980 Background Document.

C. Discussion

The amendment to this section merely provides that leachate and run-off from a pile must be collected and controlled unless the permit for the facility allows alternate handling. Since under the regulatory amendments being proposed for land disposal facilities, leachate discharge which is judged acceptable may be permitted this escape clause to the existing regulation is required. Similarly, run-off which will not be contaminated by the contents of the waste pile and which will enter the land and become leachate may be found acceptable and authorized by permit under the provisions of the general land disposal facility regulations; and similar provisions are appropriate. In addition, the Comment to the existing regulation

has been deleted.

D. Regulatory Language

In §264.252, paragraph (c) is revised to read as follows:

§264.252 General Operating requirements.

* * * * *

(c) Unless otherwise authorized by the permit for the facility, leachate and run-off from the pile must be collected and controlled.

4. Inspection and testing - §264.254

A. Proposed Regulation and Rationale

See the 30 December 1980 Background Document.

B. Summary of Comments

See the 30 December 1980 Background Document.

C. Discussion

The amendments to this section are the same as those proposed at 46 FR 2896 with respect to content. The language has been changed slightly since the exception clause applies only to a subset of the waste piles subject to this regulation rather than to all waste piles. The codification has also been amended to correct an error in codification in the 12 January 1981 proposed regulations.

D. Regulatory Language

In §264.254, new paragraphs (b) and (c) are added to read as follows:

§264.254 Inspection and testing.

* * * * *

(b) The owner or operator of a waste pile must include in the inspection plan required under §254.15 a schedule of inspection of the devices for controlling wind dispersal (where required) and

run-on, and any waste pile containment system under §264.253.

Except as otherwise provided in paragraph (c) of this Section, the inspection schedule for a waste pile containment system must include periodic removal of the waste pile and testing of the underlying base to ensure that it has not deteriorated to the point where it is no longer capable of containment, is already leaking, or is otherwise in disrepair.

(c) If it is impractical to remove the waste pile and test the underlying base periodically because of the size of the pile or the type of base used (e.g., synthetic membrane which could be damaged during waste removal), the owner or operator may omit the pile base inspection from his inspection plan, provided that the waste pile has a leachate detection, collection, and removal system as specified in §264.253(a)(3).

5. Closure and post-closure - §264.258

A. Proposed Regulation and Rationale

See the 30 December 1980 Background Document.

B. Summary of Comments

See the 30 December 1980 Background Document.

C. Discussion

This amendment is similar to the amendment to §264.252 in that it provides that a waste pile may be closed with waste in place as a land disposal facility. The title has been changed to add the phrase "and post-closure" as all the requirements of Subparts F, G, and H apply to land disposal facilities with reference to post-closure requirements.

As in §264.252, the Comment to the existing regulations has

(12)

been deleted.

D. Regulatory Language

Section 264.258 is revised to read as follows:

§264.258 Closure and post-closure.

Unless otherwise authorized by the permit for the facility, at closure, all hazardous waste and hazardous waste residues must be removed from the pile and managed as a hazardous waste in accordance with all applicable requirements of Parts 262-266 of this chapter. Any component of the containment system containing or contaminated with hazardous wastes or hazardous waste residues must be decontaminated; or removed and also managed as a hazardous waste.